

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ERIC DICKS,

Plaintiff,

v.

H. MOSELEY, et al.,

Defendants.

Case No.: 1:24-cv-0492 JLT HBK

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION WITHOUT PREJUDICE, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THE CASE

(Doc. 13)

Eric Dicks seeks to hold the defendants liable for violations of his civil rights while incarcerated at Kern Valley State Prison. (*See generally* Doc. 1.) The assigned magistrate judge found Plaintiff failed to obey the Court's order and failed to prosecute the action. (Doc. 13 at 1-2.) The magistrate judge found terminating sanctions appropriate, after considering the factors identified by the Ninth Circuit in *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986). (*Id.* at 2-4.) Therefore, the magistrate judge recommended the Court dismiss the action without prejudice. (*Id.* at 5.)

The Court served these Findings and Recommendations on Plaintiff and notified him at that any objections were due within 14 days. (Doc. 13 at 5.) The Court advised him that the "[f]ailure to file any objections within the specified time may result in the waiver of certain rights on appeal." (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the time to do so expired.

1 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
2 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
3 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 4 1. The Findings and Recommendations issued on November 27, 2024 (Doc. 13) are
5 **ADOPTED** in full.
- 6 2. This action is **DISMISSED** without prejudice for Plaintiff's failure to obey the
7 Court's orders and failure to prosecute.
- 8 3. The Clerk of Court is directed to close this case.

9
10 IT IS SO ORDERED.

11 Dated: **December 26, 2024**


UNITED STATES DISTRICT JUDGE